

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, NOVEMBER 17 AND 18, 2008
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULT OF THE CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Karen Heumann reports the results of the Closed Session Meeting of November 17 and 18, 2008, as follows:

CLOSED SESSION MEETING FOR MONDAY, NOVEMBER 17, 2008

Closed Session Items were heard on Tuesday, November 17, 2008.

CLOSED SESSION MEETING FOR TUESDAY, NOVEMBER 18, 2008

ROLL CALL:

Present: Mayor Sanders, Council President Peters, Council President Pro Tem Madaffer, and Councilmembers Faulconer, Atkins, Maienschein, Frye, and Hueso

Absent: Councilmember Young – Dist. 4 (Absent for part of Item CS-6)

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):

CS-1 *Blackwater Lodge and Training Center, Inc. v. Broughton et al.*
United States District Court Case No. 08-CV-0926-H

CDCA Assigned: M. Severson

DCAs Assigned: C. Brock, R. Walters, and G. Schaefer

Report: Nothing to report

CS-2 *Valerie O'Sullivan v. City of San Diego*

San Diego Superior Court Case No. GIC 826918; Court of Appeal Case No. 826918

La Jolla Friends of the Seals, et al v. National Oceanic and Atmospheric Administration National Marine Fisheries Service, et al.

U.S. District Court Case No. 08CV1847 WQH POR

Animal Protection Rescue League v. State of California, et al.

United States District Court No. 07-cv-2320-JM-AJB; Ninth Cir. Case No. 08-55319; United States Supreme Court Case No. 08-561

DCA Assigned: G. Schaefer

Report: Nothing to report

CS-3 *Marcus Abbe, et al. [190⁺ Individual Police Officers] v. City of San Diego [POA2]*

United States District Court Case No. 05 CV 1629 DMS; 06 CV 0538

EACA Assigned: D. McGrath

DCA Assigned: G. Schaefer

Report: Nothing to report

CS-4 *John Trunkey, et al. v. City of San Diego*

Claim No. LP07-0705-1147

DCA Assigned: R. Palmucci

Motion: Authority to settle for \$835,000 for a total settlement of \$997,475.83.

Moved: Council President Peters - Dist. 1

Seconded: Councilmember Atkins - Dist. 3

Vote: 8/0 [Passed Unanimously]

Absent: All Present

Report: Below is the report out from Closed Session made by
Assistant City Attorney Karen Heumann in Open Session at 8:36 p.m.

Today, the City Council voted in Closed Session on Item CS-4, *John Trunkey, et al. v. City of San Diego*, Claim No. LP07 0705 1147, to approve a settlement agreement.

The agreement requires the City to pay \$835,000 to resolve the claim for a total settlement of \$977,475.83.

The motion was made by Council President Peters and seconded by Councilmember Atkins.

The motion passed unanimously 8-0.

CS-5 *Grantville Action Group v. The City of San Diego, et al.*

San Diego County Superior Court Case No. 37-2008-0092628-CU-MC-CTL

DCA Assigned: G. Spitzer

Report: Nothing to report

CS-6 *Estate of Jacob Faust, et al. v. City of San Diego*

San Diego Superior Court Case No. GIC 880142

DCA Assigned: D. Shanahan

Motion: Authority to settle for \$325,000.
Moved: Council President Pro Tem Madaffer - Dist. 7
Seconded: Council President Peters - Dist. 1
Vote: 7/0
Absent: Councilmember Young – Dist. 4 (Absent for vote.)
Report: Below is the report out from Closed Session made by
Assistant City Attorney Karen Heumann in Open Session at 8:36 p.m.

Today, the City Council voted in Closed Session on Item CS-6, *Estate of Jacob Faust, et al. v. City of San Diego*, San Diego Superior Court Case No. GIC 880142, to authorize settlement for \$325,000, inclusive of costs and attorney fees.

The motion was made by Council President Pro Tem Madaffer and seconded by Council President Peters.

The motion passed 7-0 with Councilmember Young absent.

CS-7 *Chapin and Castleman v. Aguirre and City of San Diego, et al.*

Federal District Court Case No. 05CV1906 R (POR)

DCA Assigned: W. Chung

Report: Nothing to report

CS-8 *Todd Sabin, Stacy Sabin, Stephen Games, Sandra Games v. City of San Diego*

(San Diego Superior Court Case No. 37-2008-00090721-CU-PA-CTL;

City of San Diego v. Todd Sabin, et al.

San Diego Superior Case No. 37-2008-00081284-CU-OR-CTL)

DCA Assigned: M. Dickenson

Report: Nothing to report

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code Section 54956.9(b):

CS-9 In re matter of City of San Diego filing bankruptcy proceedings for reorganization.

EACA Assigned: D. McGrath

Report: Nothing to report

Conference with Labor Negotiator, pursuant to Government Code Section 54957.6:

CS-10 Agency Negotiator: Scott Chadwick, Jay Goldstone

Employee Organization: AFSCME Local 127

CDCA Assigned: Alan Hersh

DCA Assigned: Bill Gersten

Report: Nothing to report

REPORTED BY: _____

Karen Heumann
Assistant City Attorney